

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

MARK BRANDON HAMMAN,

Plaintiff,

v.

The CITY OF CARBONDALE, an Illinois municipal corporation, JOHN LENZINI, in his individual and official capacities, and LENOARD JAMIE SNYDER, in his individual and official capacities,

Defendants.

Case No. 3:25-cv-00736-NJR

Chief Judge Nancy J. Rosenstengel

PLAINTIFF'S APPEAL DOCKETING STATEMENT

Plaintiff-Appellant submits the following docketing statement pursuant to 7th Cir. R. 3(c)(1), for the purposes of his interlocutory appeal to the United States Court of Appeals for the Seventh Circuit from the district court's order of January 21, 2026, denying his motion for a preliminary injunction (Doc. 49):

1. Jurisdiction of the District Court.

The district court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 because it is a civil action against a municipal corporation and its officials based on claims arising under the Constitution and the laws of the United States, and it seeks equitable or other relief under an Act of Congress. Venue is appropriate in the United States District Court for the Southern District of Illinois, pursuant to 28 U.S.C. §1391(b), because Defendants-Appellees reside in that district and division and/or all the acts described in the Complaint occurred within that district. Plaintiff-Appellant Brandon Hamman is a citizen of Illinois.

2. Jurisdiction of the Court of Appeals.

The court of appeals has jurisdiction over this appeal since the interlocutory order of the

district court, from which this appeal is taken, is one refusing to issue a preliminary injunction. According to 28 U.S.C. § 1292(a)(1), “the courts of appeals shall have jurisdiction of appeals from (1) Interlocutory orders of the district courts of the United States . . . or of the judges thereof, . . . refusing . . . injunctions. . . .”

This appeal has been timely filed. The district court entered its order denying Plaintiff-Appellant’s motion for a preliminary injunction on Wednesday, January 21, 2026, and Plaintiff-Appellant filed his notice of appeal from that order on Friday, January 23, 2026.

The district court’s order denying Plaintiff-Appellant’s motion for a preliminary injunction deals with the following claims raised in Plaintiff-Appellant’s complaint: First Amendment Right to Free Speech based on the Ordinance (Count I); as-applied violations of his First Amendment Right to Free Speech based on Defendants’ conduct (Counts II and III); and violation of his Due Process rights under the Fourteenth Amendment (Count V). Although three claims remain pending in the district court based on the Free Exercise Clause, the Equal Protection Clause, and the Illinois Religious Freedom Restoration Act, the district court’s order denying Plaintiff-Appellant’s motion for preliminary injunction on Counts I through III and V is immediately appealable by Plaintiff-Appellant pursuant to 28 U.S.C. § 1292(a)(1).

3. Prior or Related Proceedings.

There have been no prior or related appellate court proceedings in this case, and as this is a civil case, and not a criminal case, there has been no prior litigation in the district court arising from any criminal conviction and there has been no designation by the district court that this or a related case satisfies the criteria of 28 U.S.C. § 1915(g).

4. Parties to the Litigation Appearing in an Official Capacity.

The following Defendants-Appellees appear in this litigation in their official capacities:

John Lenzini, in his official capacity as the Community Development Manager of the City of Carbondale, and Lenoard Jamie Snyder, in his official capacity as the City Attorney of the City of Carbondale.

Submitted: January 23, 2026

Respectfully submitted,

s/ Nathan J. Moelker

Nathan J. Moelker

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2026, a true and correct copy of the above and foregoing document was filed electronically with the Clerk of the Court and was served upon all counsel of record via PACER.

s/ Nathan J. Moelker

Nathan J. Moelker

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